

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 11 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

KEVIN KENNEDY,

Plaintiff-Appellant,

v.

SHELLY WILLIAMS; BARBARA  
CEGAVSKE; WILLIAM GITTERE,  
Warden; TIMOTHY FILSON; HOMAN;  
DUGGAN; MINGO; CALVIN JOHNSON;  
MUREDA,

Defendants-Appellees.

No. 22-15465

D.C. No. 2:21-cv-01358-RFB-DJA

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Richard F. Boulware II, District Judge, Presiding

Submitted June 26, 2023\*\*

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

Nevada state prisoner Kevin Kennedy appeals pro se from the district court's  
order denying his motions for a preliminary injunction in his 42 U.S.C. § 1983

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision  
without oral argument. *See* Fed. R. App. P. 34(a)(2).

action alleging various constitutional claims. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We review for an abuse of discretion. *Jackson v. City & County of San Francisco*, 746 F.3d 953, 958 (9th Cir. 2014). We affirm.

The district court did not abuse its discretion in denying Kennedy's request for preliminary injunctive relief related to his access-to-courts claim because Kennedy failed to establish that he is likely to succeed on the merits of his claim. *See id.* (plaintiff seeking preliminary injunction must establish that he is likely to succeed on the merits, he is likely to suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in his favor, and an injunction is in the public interest); *see also Lewis v. Casey*, 518 U.S. 343, 349-53 (1996) (elements of an access-to-courts claim and actual injury requirement); *Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are construed liberally, a plaintiff must present factual allegations sufficient to state a plausible claim for relief).

All pending motions and requests are denied.

**AFFIRMED.**